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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,522	02/28/2002	Andre Ampelas	59706	6383

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/979,522

Applicant(s)

AMPELAS ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Preliminary Amendment filed 6 November 2001.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 20-24, 27-38, 40-50, 52-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Tracy et al. (US 5,979,757; hereinafter "Tracy").

Re claims 20, 23-24, 27-29, 35-38, 40-41, 48-50, 52-53: Tracy teaches an electronic transaction system comprising an electronic transaction network (LAN or WAN; see col. 3, lines 39-48) and a plurality of personal portable electronic transaction devices (70 in fig. 2, 100 in fig. 4) cooperating therewith to permit electronic transactions; the electronic transaction network also providing random/non-random information to the plurality of electronic transaction devices (such as link to manufacturer's website, relevant information about a particular product, etc. is downloaded to the portable terminal 100; see col. 10, lines 9-32); each of the personal portable electronic transaction devices enabling a user to perceive the random/non-random information (see figs. 2 and 4; col. 2, lines 12-56; col. 4, line 1 through col. 5, line 46; col. 8, line 65 through col. 10, line 61).

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Re claims 21-22: Tracy teaches an electronic transaction system, wherein the electronic transaction network comprises a transaction terminal (i.e., the central host 14 in fig. 1) for carrying out the electronic transactions with the personal portable electronic transaction devices (70 in fig. 2, 100 in fig. 4), and wherein the electronic transaction network provides the random information to the personal portable electronic transaction devices via the transaction terminal through a contactless/wireless connection (central host; see col. 3, lines 49-67; col. 5, line 47 through col. 6, line 25).

Re claims 30, 42: Tracy teaches an electronic transaction system, wherein each of the personal portable electronic transaction devices (70 in fig. 2, 100 in fig. 4) comprises: a smart card (customer loyalty card 210 in fig. 9) for cooperating with the electronic transaction network to permit the electronic transactions and for receiving the random information therefrom; and a case for enabling the user to perceive the random information received by the smart card; the smart card separate from and operating independently of the case (see fig. 9; col. 6, line 52 through col. 8, line 61).

Re claim 31-34, 43-47, 54-55: Tracy teaches an electronic transaction system, wherein the smart card comprises a download circuit for downloading the random information to the case when the case is in contact with the smart card (col. 8, line 65 through col. 12, line 49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25, 39 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Noonen et al. (US 5,926,208; hereinafter "Noonen"). The teachings of Tracy have been discussed above.

Tracy fails to teach or fairly suggest compress and decompress information.

Noonen teaches an audio/video compression and decompression, wherein the data is compressed for downloading/transmitting to a remote computer system 1010, wherein the remote computer system decompresses the compresses image/data and displays it on its own screen (see fig. 1; col. 4, line 46 through col. 5, line 5); and the advantage of using compressed data is to save memory space and system response time due to the decreased amount of data that need to be downloaded (see col. 12, lines 38-65).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the well-known data compression/decompression as taught by Noonen to the teachings of Tracy in order to save memory space and system response time due to the decreased amount of data that need to be downloaded (see col. 12, lines 38-65).

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy as modified by Noonen as applied to claim 25 above, and further in view of Rostoker et al. (US 5,784,572; hereinafter "Rostoker"). The teachings of Tracy as modified by Noonen have been discussed above.

Noonen teaches many different formats of compressed data, such as MPEG, MPEG1, MPEG2, etc (see col. 21, lines 61-63). Tracy as modified by Noonen fails to disclose the data compression using MPEG3.

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Rostoker teaches a video and audio signals to be compressed according to different compression algorithms, such as MPEG1, MPEG2, MPEG3 and MPEG4 (see col. 3, lines 15-27).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize different compression algorithms as taught by Rostoker in order employ the latest compression technology (i.e., MPEG3 or MPEG4) to fit his/her own desire.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN  
12 May 2004



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